

REMARKS

This Amendment is responsive to the Office Action mailed on October 10, 2007. Claims 1-3, 5, 7, 8, 10, 11, 14 and 15 are amended. Claim 9 is cancelled. Claims 1-8 and 10-15 are pending.

Claims 1-7 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schneider (US 4,218,821).

Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hilderbrand (US 3,763,726).

Claims 1 and 9-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pallotta (3,459,187).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claim 1 is amended to include the subject matter of original claim 9.

The term "spigot" is also amended to "shaft end" throughout the claims (see, e.g., page 1, line 25 of Applicants' specification). The claims are also amended for clarity.

It is further clarified in claim 1 that the shaft end is arranged on one of the first part or the second part and that the corresponding shaft end-seating is arranged on the other of the second part or the first part (see, e.g., page 3, lines 15 to 19 of Applicants' specification).

In accordance with the present invention, the shaft end seats on the first part or the second part. Therefore, the first part and second part can be manufactured in a simple manner integrally including the shaft end. It is possible to use synthetic materials.

The shaft end is a protruding part and it is typically difficult to push such a protruding part into a shaft end-seating to achieve a connection arrangement. With the insertion recess, the production of the connection can be effected in a simple manner. The shaft end can be introduced into the corresponding insertion recess and for example moved in a kind of snap-action closure

from there into its corresponding shaft end-seating. The insertion recess relieves the load on the material during assembly process since peak stresses are reduced (see, e.g., page 3, lines 26-30 of Applicants' specification).

Discussion of Pallotta

Claims 1 and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pallotta. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Pallotta does not meet the requirements for an anticipation rejection.

Claim 1 is amended herein to include the subject matter of claim 9.

Pallotta discloses a surgical clamp 11 including an external member 12, an internal member 13, pivot pin 14 and a bearing sleeve 15 (col. 3, lines 12 to 14). For manufacturing the surgical clamp 11, the member 13 is inserted into a slot 22 in member 12 (col. 3, lines 38-39). A bearing sleeve 15 is forcibly fitted into a hole 32 of the member 13 (col. 3, lines 40-41). Afterwards, this hole 32 and the hole 31 on the external member 12 are aligned and the pin 14 is forcibly inserted through both holes to pivotly connect members 12 and 13, thus making sleeve 15 fully captive (col. 3, lines 42-44). Compressive forces are then applied longitudinally to both protruding ends of pin 14, by hammering the pin which has been placed upon an anvil 34 (col. 3, lines 48-50). The pin 14 can expand in the hole 31 in the external member 12 for fixing the pin 14 permanently immovably therein (col. 3, lines 52-56). This process can be seen in figures 3 to 5 of Pallotta.

The Examiner rejects original claim 9 as being anticipated by Pallotta. The Examiner identifies the tapered recess 31 of Pallotta as an insertion recess from which a shaft end arranged on the first part or the second part is adapted to be pushed into the shaft end-seating arranged on the second part or the first part (Office Action, page 3).

With the present invention, the at least one shaft end is arranged on the first part or the second part. In contrast, the pivot pin 14 of Pallotta is not arranged on the external member 12, or on the internal member 13. Rather, in Pallotta, the pivot pin is independent of the external member 12 and internal member 13.

Further, the pivot pin 14 does not comprise a shaft end as claimed by Applicants. If the part of the pivot pin 14 which is arranged in the hole 31 is taken to be a shaft end as claimed by Applicants, then the corresponding shaft end-seating of Pallotta has no insertion recess via which the shaft end is adapted to be pushed into the shaft end-seating, as claimed by Applicants. In Pallotta, the recess of the hole 31 is not an insertion recess for a shaft end, as claimed by Applicants.

In addition, the slot 22 of Pallotta is not equivalent to Applicants' claimed retaining chamber. The slot 22 is a slot in the external member 12 adapted to receive the flattened area 23 of the internal member 13. The slot 22 does not form a retaining chamber for a shaft end and a shaft end-seating, as claimed by Applicants.

Pallotta does not disclose or remotely suggest a connecting device formed by a shaft end arranged on one part and a corresponding shaft end arranged on another part, where the shaft end-seating has an insertion recess via which the shaft end is adapted to be pushed into the shaft end-seating, as is claimed by Applicants.

As Pallotta does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Pallotta, Schneider, or Hilderbrand, taken alone or in combination with any of the other prior art of record.

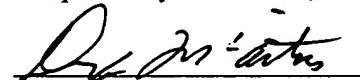
Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,


Douglas M. McAllister
Attorney for Applicant(s)
Registration No.: 37,886
Lipsitz & McAllister, LLC
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-799

Date: January 15, 2007